

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
NS of S Seneca Road, 850 ft. +/- E of * ZONING COMMISSIONER
the centerline of New Section Road *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
1341 South Seneca Road
Elizabeth Whetstone,
Petitioner * CASE NO. 99-122-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed Elizabeth Whetstone, property owner, for that property known as 1341 S. Seneca Road in the Bowleys Quarters subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback for a proposed dwelling addition of 15 ft. in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of October, 1998 that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback for a proposed dwelling addition of 15 ft., in lieu of the required 50 ft , be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition
2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated October 14, 1998, attached hereto and made a part hereof.
3. The Petitioner shall comply with all requirements of the Zoning Plans Advisory Committee (ZAC) comments submitted by the Development Plans Review Division dated October 13, 1998, attached hereto and made a part hereof.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

DATE 10/22/98
BY [Signature]



CBA ORIGINAL

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1341 S Seneca Rd 21220
which is presently zoned RS

This Petition shall be filed with the Dept. of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3, B.2 TO PERMIT A

SIDE YARD SETBACK FOR A PROPOSED DWELLING ADDITION OF 15 FT. IN LIEU OF THE REQUIRED 50 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE AFFIDAVIT.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JL

DATE: 9/24/98

ESTIMATED POSTING DATE: 10/4/98

Printed with Soybean Ink
on Recycled Paper

ITEM #: 122

99-122-A

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1341 S Sanrca Rd.
address
Baltimore MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

THE 2 STORY ATTACHED GARAGE W/LIVING SPACE ON THE 2ND FLR. MUST BE PLACED TO THE WEST END OF THE EXISTING HOUSE, BECAUSE THE EXISTING HOUSE ROOF LINE HAS A CLEAR STORY. THE NEW ADDITION'S ROOF LINE MUST MATCH UP TO ALLOW PROPER WATER RUN OFF ON THE ROOF-ANY OTHER PLACEMENT WOULD CAUSE MANY WATER PROBLEMS ALSO, THE ADDITION CAN NOT BE PLACED TOWARDS THE WATER INCRITCHING ON THE FLOOD ZONE 100' SETBACK. MY PARENTS HAVE MOVED IN W/MC AND WE ARE IN DIRE NEED OF ADDITIONAL LIV. SPACE. THIS HOME WAS RECENTLY PURCHASED W/ THIS PLAN TO LIVE TOGETHER.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Elizabeth Whetstone
(signature)
Elizabeth Whetstone
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of Sept., 1998, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Elizabeth Whetstone

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/23/98
date

Michael D. Seidel
NOTARY PUBLIC

My Commission Expires: 10/1/01

122

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1341 South Seneca Rd
address

Beginning at a point on the NORTH side of
(north, south, east or west)

SOUTH SENECA Rd. which is 30
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 850 Ft. +' WEST EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street NEW SECTION Rd.
(name of street)

which is 30 wide. *Being lot# 223 & 224
(number of feet of right-of-way width)

Block _____, Section # N/A in the subdivision of Bawleys QUANTERS
(name of subdivision)

as recorded in Baltimore County Plat Book # 0009, Folio # 0012

containing 30,100 Sq. Ft. Also known as 1341 South Seneca Rd.
(square feet or acres) (property address)

and located in the 15 Election District, 5 Councilmanic District.

079
5191

99.122.A

BALTIMORE COUNTY, MARY
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 054729

DATE 9/24/98 ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM: MORGAN DESIGNS

FOR: RV FILING

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAYEE
9/24/98 4/24/98 1000000
CASHIER CUM ON HAND
5 MISCELLANEOUS CASH RECEIPT
Receipt # 069052
FOR NO. 054729

50.00 DUE
Baltimore County, Maryland

29-122-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-122-A
Petitioner/Developer:
(Elizabeth Whetstone)
Date of Posting/Closing:
(Oct. 19, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

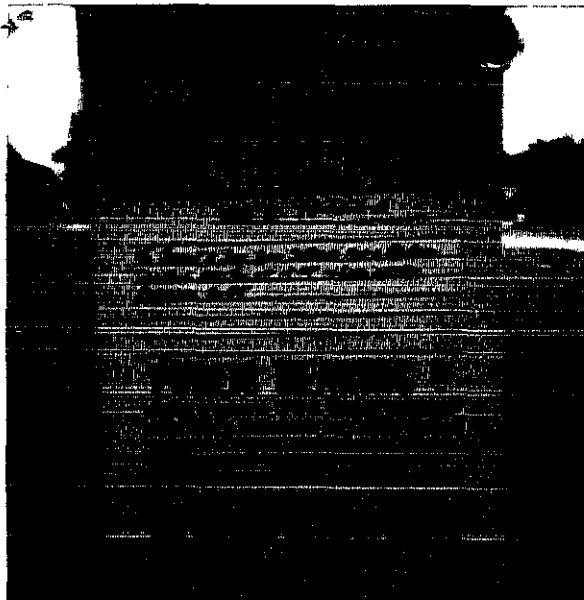
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

1341 South Seneca Road Baltimore, Maryland 21220 _____

The sign(s) were posted on _____ Oct. 4, 1998 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle 10/4/98
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 99- 122 -AAddress 1341 SOUTH SENECA RDContact Person: JOHN LEWIS

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 9/24/98Posting Date: 10/4/98Closing Date: 10/19/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 99- 122 -AAddress 1341 SOUTH SENECA RDPetitioner's Name WHEATSTONETelephone 410-335-0862Posting Date: 10/4/98Closing Date: 10/19/98

Wording for Sign: To Permit A SIDE YARD SETBACK FOR A PROPOSED DWELLING ADDITION
OF 15 FT. IN LIEU OF THE REQUIRED 50 FT.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-122-B
Petitioner: ELIZABETH WHEATSTONE
Address or Location: 1341 SOUTH SEWEECH Rd. Balto. Md. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: ELIZABETH WHEATSTONE
Address: 1341 SOUTH SEWEECH Rd.
Balto. Md. 21220
Telephone Number: 410-335-0862



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 20, 1998

Ms. Elizabeth Whetstone
1341 S. Seneca Road
Baltimore, MD 21220

RE: Item No.: 122
Case No.: 99-122-A
Location: 1341 S. Seneca Road

Dear Ms. Whetstone:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on September 24, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that partially obscures the text "Very truly yours,".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us

INTEROFFICE CORRESPONDENCE

Date: October 13, 1998

SUBJECT: Zoning Advisory Committee Meeting
for October 13, 1998
Item No. 122

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

cc: File

ZAC1013.122

Date: October 14, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB Seeley*

SUBJECT: Zoning Item #122

Whetstone Property - 1341 S. Seneca Road

Zoning Advisory Committee Meeting of October 5, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X Addition is within 100' Tidal Buffer - must conform to Buffer Management Area program (BMA area 79-1).
 - X GWM: An evaluation of the septic system may be required prior to building permit approval.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 13, 1998

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for October 13, 1998
Item No. 122

The Development Plans Review Division has reviewed the subject zoning item. In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

The minimum flood protection elevation is 11 feet for this site.

RWB:HJO:jrb

cc: File

ZAC1013.122



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 22, 1998

Mrs. Elizabeth Whetstone
1341 South Seneca Road
Baltimore, Maryland 21220

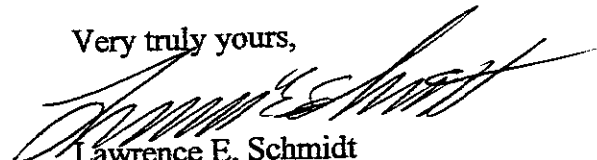
RE: Petition for an Administrative Variance
Case No. 99-122-A
Location: 1341 South Seneca Road

Dear Mrs. Whetstone:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.



10/19
A.V.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: October 5, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 120, 122, 126, and 127

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 9, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105/

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 5, 1998

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

120, 122, 123, 126, and 127

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 10-2-98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 122 JLL

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

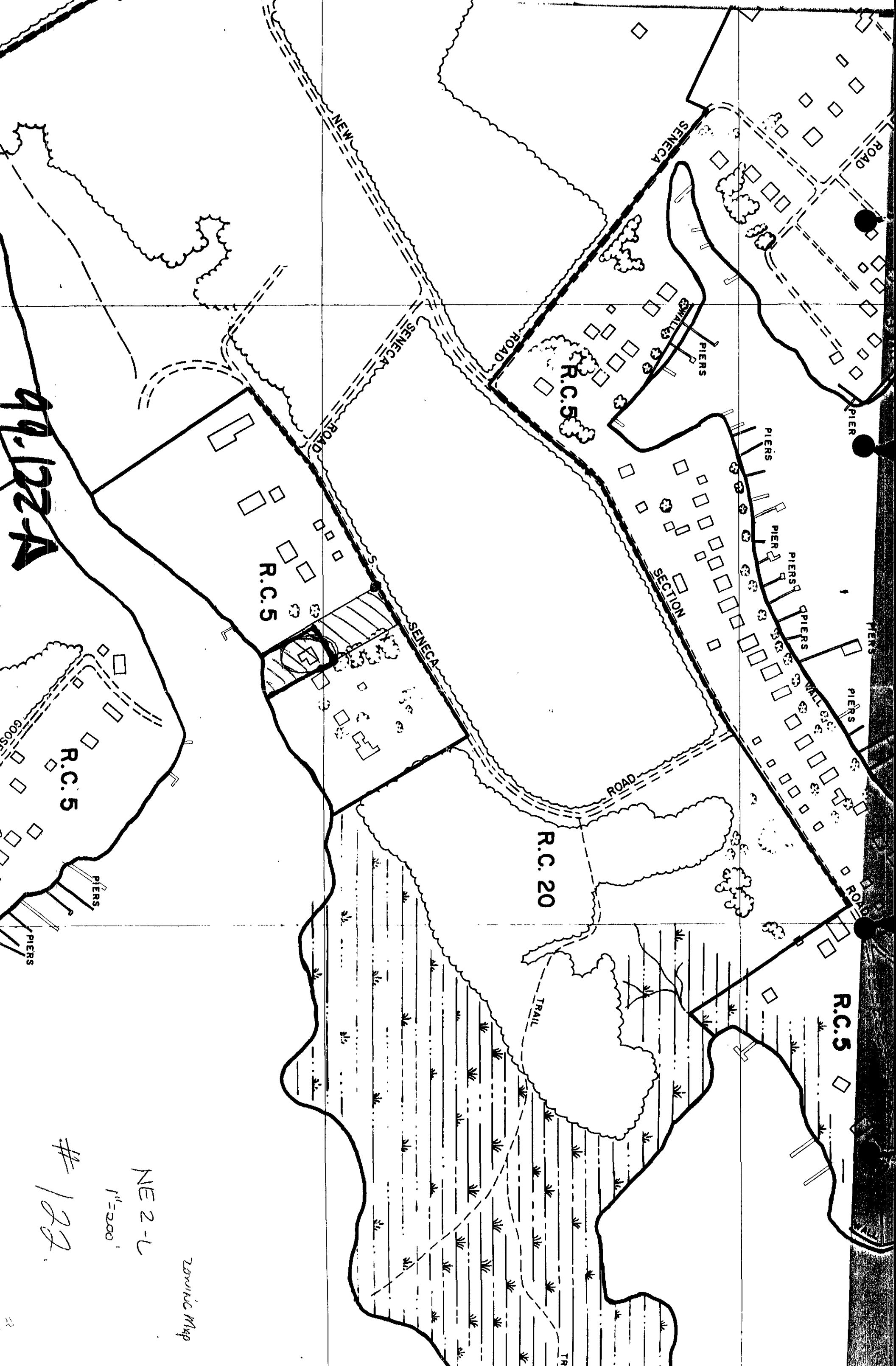
R. J. Burns
lr Ronald Burns, Chief
Engineering Access Permits
Division

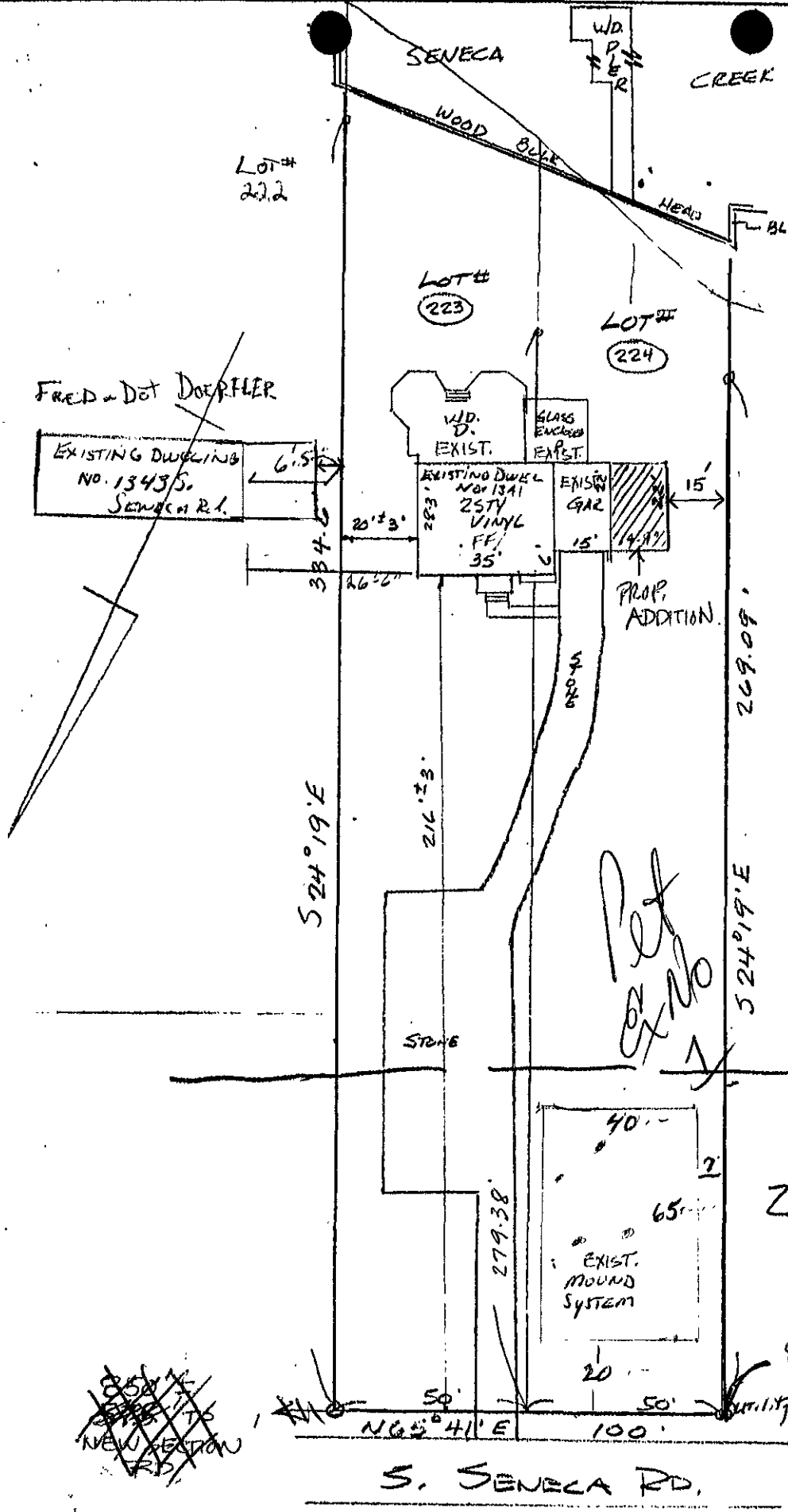
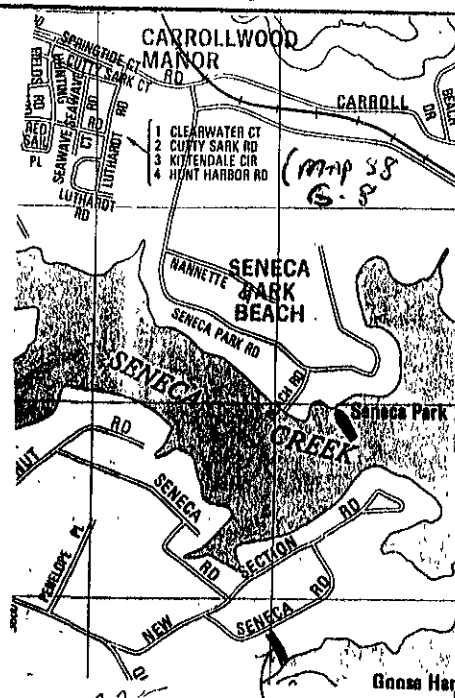
LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202





The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

THE LOT SHOWN HEREON IS IN FLOOD ZONE A & B PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL # 240010 - 0435B 0455B

#1341 SOUTH SENeca ROAD
LOT'S 223 & 224 PLAT #2
BOWLEY'S QUARTER 9-12
TITLE DEED 11084-658
BALTO. CO. MD. 21220

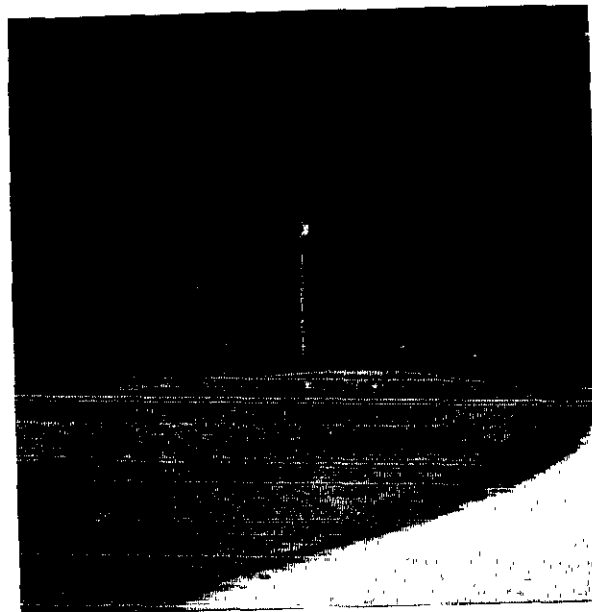
SCALE 1"=40'	SUBDIVISION NAME Bowleys Quarters	ELECTION DISTRICT #15
DATE 5-14-97	PLAT BOOK # 0009	COUNCILMANIC DISTRICT #5
JOB No. 97-621	LOT # 223 & 224	ZONING - RES MAP NE-2-L
	SECTION # 1/4	LOT SIZE - ACREAGE .6910
	OWNER - ELIZABETH WHETSTONE	SEWER - PRIVATE Septic
	ZONING VARIANCE PLAN.	WATER - PUBLIC
		CHESAPEAKE Bay Critical Area YES
		NO PRIOR HEARINGS.



Proposed Addition Side
From South Seneca Rd.



VACANT LOT- STORAGE SHEDS



MOUND SYSTEM

99-122-A



SCALE	LOCATION	SHEET
1" = 200' ±	BOWLEYS QUARTERS	NE
DATE OF PHOTOGRAPHY		2-L
JANUARY 1986		

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA		LOCATION BOWLEYS QUARTERS		SHEET NE 2-L
REVISIONS BY DATE		SCALE 1" = 400'		DATE OF PHOTOGRAPHY DEC 1964
This graph, compiled by Photogrammetric Methods Aerials Aerial Survey Corp Lansing Mich.		DATE OF PHOTOGRAPHY DEC 1964		

